

Accessory Dwelling Units (ADUs)

ARTICLE 39

Annual Town Meeting, 2022

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Accessory Dwelling Units: What is an ADU?



ADU Over Garage



Basement ADU



Attached ADU



Detached ADU

- An ADU is an apartment within or on the same property as an owner-occupied, single-unit residential dwelling, that is subordinate to the main (or principal) dwelling unit
 - Self-contained, providing its own sleeping, cooking, and sanitary facilities
 - Provides separate entrance
 - Complies with all provisions of Zoning, Building & Health Codes.

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ADUs: How this Bylaw developed

- ADUs called for in Unified Plan (2018-2028)
- ADUs called for in Housing Production Plan (2018) as a missing tool in Wellesley's Housing Toolbox
- 2021 State legislation prioritizes ADUs to help development and housing goals (Housing Choice)
- Benchmarking of towns in Greater Boston area
- Over two years of collaborative work with residents
 - ADU Working Group
 - 4 public hearings (targeted for Fall 2021 STM)
- Results:
 - Bylaw tailored for Wellesley
 - Meets a growing need of residents
 - Advances Town and State housing goals
 - Consistent with Zoning Bylaws (ZBL)

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Benchmarking & Housing Choice Legislation

- Benchmarking*:
 - 40 of 100 municipalities surrounding Boston allow rental ADUs
 - Arlington and Salem adopted ADUs in 2021
 - Neighbors: Newton, Needham (2019), Weston, Dover
 - Bylaws are evolving over time
- Housing Choice
 - State law addresses critical need for area housing
 - Passed in January of 2021
 - Adoption of ADU bylaw requires only simple majority if:
 - Meets size guidelines: Lessor of 900 sq. ft. or 50% of dwelling
 - Attached ADU must be allowed by right
 - Detached ADU may be allowed by special permit or by right

* Source: The State of Zoning for Accessory Dwelling Units, Amy Dain (2019)

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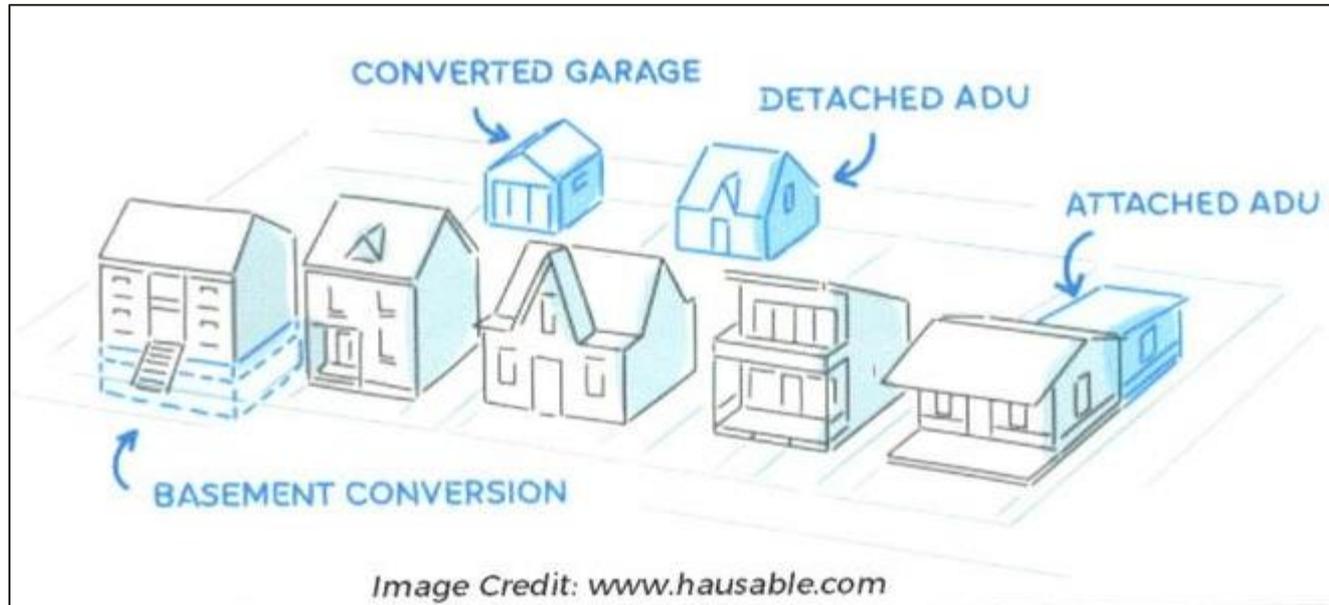
ADUs: What are the Benefits for Wellesley?

PURPOSE:

- To facilitate housing production, diversity, and affordability in Town's neighborhoods
- To allow older adults, households with disabled persons to remain in Town
- To better accommodate young families and multi-generational living arrangements
- To support climate action goals by using energy, water, and materials more efficiently by increasing the housing supply through concentrated, small-scale development
- To preserve historic homes, carriage houses, and barns

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ADUs: Where are they located on a property?



- ADUs may be converted interior space (basements, attics, part of main living floors OR converted garages OR detached buildings OR attached to main unit
- Must comply with ZBL (dimensional, area, yard requirements)

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ADUs: What will these be like in Wellesley?

| | |
|-----------------------|--------------------------------------|
| Code Compliance | All: Zoning, Building, Health |
| Attached ADUs | By Right |
| Detached ADUs | Special Permit |
| Owner Occupancy | Yes (at least 184 days/year) |
| Appearance | Match in style to main dwelling |
| Entrances | Not present to street |
| ADUs per Lot | One (only with single-unit dwelling) |
| ADU Unit Size | Max: 900 sq. ft. |
| Occupancy Limit | Per current Zoning |
| Parking | No additional space required |
| Minimum Rental Period | 30 days |
| Certification | Annually - Planning Department |

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ADUs in Wellesley: Only 3-5 ADUs/year

- Needham Study (2017)*
 - Carlisle: 18 since 1989 (< 1/year)
 - Lexington: 200 since 1983 (5/year)
 - Newton: 73 over 20 years (3.65/year)
 - Scituate: 88 since 1989 (2.7/year)
 - Westwood: 45 since 1992 (1.5/year)
- Pioneer Institute Report (2018)**
 - Concord: 5, 2, 5 (2016, 2015, 2014)
 - Dedham: 2-5/year
 - Lincoln: 0, 2, 1 (2016, 2015, 2014)
 - Newton: 9, 5, 7 (2017, 2016, 2015)
- Needham (new bylaw 2020): less than 10 (<5/year)
- Arlington (similar bylaw passed in 2021): No applications

**Accessory Dwelling Units: A Report for Needham Public Health Division, 10-11-17*

***The State of Zoning for Accessory Dwelling Units, Amy Dain, Pioneer Institute, July 2018*

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Detached ADUs

- No change to what building can be constructed today
- “ADU” special permit required for all
- Pre-existing structures
 - Barns, pool houses, garages, etc.
 - Additional requirements: Building permits
- New structures
 - Must conform to current lot coverage, set-backs
 - Roughly 70% of lots in town are non-conforming
 - ZBA approval required for construction (in addition)
 - Historically difficult to obtain variance
 - Large house review
 - Comprehensive process to determine suitability
 - Requests for ADUs – Today, structure is allowed but not apartment
- Expect no more than 3-5 ADUs (attached or detached) a year



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ADUs: 30 Day Minimum Rental Period

- Main purpose of ADUs is to provide new, stable housing
- Secondary purpose to provide supplemental income needed to offset high cost of housing
 - Seniors, young families
- Mitigates concern about nightly/weekend rentals (AirBnB)
- Eliminates “Short Term Rentals”
 - Can be further addressed by future Town bylaw
- Allows maximum flexibility for supplemental income
- Allows for tenant-at-will arrangements
 - Renovations
 - Looking for a new home
- Matches Newton/Arlington bylaws
 - Many others have no minimum
 - We have found no town has a longer minimum rental period

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ADUs: Benchmarking

| Town | Detached? | Min. Rental Period | Occupancy Limit? |
|-------------------------|----------------------|----------------------------|---|
| Wellesley (Proposed) | w/Special permit | 30 days | Not more than 3 unrelated (town bylaw) |
| Newton | w/Special permit | 30 days | Not more than 3 |
| Arlington* | Yes | No "short term rentals" | NS |
| Dedham | w/Special permit | NS | Not more than 2 |
| Dover | No | NS | NS |
| Lexington | Yes | NS | NS |
| Lincoln | w/Special permit | NS | NS |
| Needham | No | NA | Total: 5 not in family |
| Waltham | No | NS | Not more than 2 |
| Wayland | w/ Special permit | NS | NS |
| Weston | In existing building | NS | NS |

NS = Not specified

*Passed in 2021 – Meets State guidelines & approved by AG

NA = Needham bylaw only allows for family or caregiver – Under review by housing committee.

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ADUs: What will these be like in Wellesley?

CONSTRUCTION

- **No changes to what structures can be built in Wellesley**
- Renovations/construction projects follow existing process
 - Zoning Bylaws, State Building Code, Fire Code, Health regulations
- Must comply with setbacks and maximum lot coverage
- ADU remains subordinate in appearance to principal unit
 - Detached units must match architectural style, including siding, roof pitch, trim, windows, and doors
 - Exterior doors of ADU shall not present to public street or private way
 - Exterior stairs not visible from public street, compliment principal unit
 - Construction of ADU shall not increase height beyond height of principal unit
 - Detached units may be built only in rear or side yard or in existence at the effective date of this bylaws

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ADUs: What will these be like in Wellesley?

PERMITTING AND ENFORCEMENT

- Two types of special permit: Section 17 and Section 25
- Application for construction or use submitted to Planning Department
 - Department staff reviews for compliance with Bylaw
 - Attached, conforming ADU - Send to Building Department (by right)
 - Detached - Send to ZBA (special permit - Section 25)
 - Non-conforming - Send to ZBA (special permit - Section 17)
 - Construction triggers Large House Review - Send to Planning Board
 - ADU is filed with Registry of Deeds
 - ADU Property Owner to submit annual certification to Planning Department that property is in compliance
 - Notice of sale must be provided to Planning Department
- If violations, Inspector of Buildings can order removal of ADU, or impose other penalties
- Rules and Regulations will be complete by effective date: 9/1/2022

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ADUs: Conclusion

BENEFITS OF ADOPTION

- Achieves Unified Plan/Housing Production Plan goal
- Adds necessary tool to Town's housing toolbox to provide diverse living opportunities
- Advances climate action goals
- Supports Wellesley's families and the Town's workforce
 - Housing for seniors, adult children, disabled adults, caregivers
 - Housing for town employees and broader workforce
 - Housing for young professionals & families
- Little to no impact on single-family "feel" of the community

We ask for your support on Article 39

Thank you!

Backup

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Why Allow Detached, New Construction

- No change to what building can be constructed today
- “ADU” special permit required for all
- Provides alternative so homeowners can build what they need.
 - Not everyone wants an ADU attached to their house. Some owners and renters like the privacy of a detached unit.
- Must conform to current lot coverage, set-backs
- Roughly 70% of lots in town are non-conforming
 - ZBA approval required for construction (in addition)
 - Historically difficult to obtain variance
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ADUs: How does one differ from ... ?

| | Accessory Dwelling Unit | In-law Suite (not in ZBL) | Two-Unit Dwelling |
|---------------------------------------|---|--|---|
| Characteristics | Kitchen, separate entrance | No kitchen, does not require separate entrance | Distinct dwelling units, separate entrances |
| Ownership | Always same as main dwelling | Always same as main dwelling | Each unit may be owned separately (condo) |
| Size | 250 – 900 SF | Can vary. Must follow ZBL | Can vary. Must follow ZBL |
| Size Relative to Main Dwelling | Subordinate | Can vary; probably subordinate | Can vary; probably equal |
| Location | Any single-unit dwelling, all districts | Any single-unit dwelling, all districts | General Residence District |
| Architecture | Shall match main dwelling | Can match main dwelling | Can match main dwelling |